NEGLIGENCE—IMPUTED NEGLIGENCE—GUEST OF AUTOMOBILE DRIVER.—CHADBOURNE V. SPRINGFIELD ST. RY. CO., 85 N. E. 737 (MASS.).—*Held*, where plaintiff, who was inexperienced in the operation of an automobile, was injured while riding as the guest of an experienced driver, in a collision between the automobile and a street car, there being no mutuality in a common enterprise between them, the driver's negligence, if any, was not imputable to plaintiff.

The negligence of the driver of a wagon wherein plaintiff was a passenger by invitation precluded plaintiff from recovering of a railroad company for injuries from a collision at a crossing. *Payne v. C., R. I. & Pac. R. R. Co.*, 39 Ia. 52; *Slater v. B. C. R. & B. Ry. Co.*, 71 Ia. 209; *Whittaker v. City of Helena*, 14 Mont. 124; *Omaha & R. V. Ry. Co. v. Talbot*, 48 Neb. 627. The weight of authority, however, holds that where the plaintiff rides in the vehicle of another, neither exercising nor assuming any control over the movements of the team, the driver does not become the agent of the plaintiff so that negligence contributing to an injury can be attributed. *U. P. Co. v. Lapsley*, 51 Fed. 174; *Strauss v. Newburgh Ry.*, 39 N. Y. Supp. 998.

PARENT AND CHILD—CUSTODY AND CONTROL OF CHILD—RIGHT OF FATHER OF CHILD.—SUARENS ET AL. V. SUARENS, 97 PAC. 968.—*Held*, that where a father was a well-to-do farmer, and was an educated man, and had no immoral habits, and his second wife was well educated and of good character, the court properly awarded to him the custody of a child by his first wife, though the home furnished by the grand-parents of the child was in some respects better than the home of the father.

The old common law rule gave the custody of children to the father as against the mother, and especially as against third persons. *Johnson v. Terry*, 34 Conn. 395. Yet the father may deprive himself of this right by unfitness or voluntary transfer of his right to custody. *Bently v. Terry*, 59 Ga. 555. And unless a sufficient reason is shown, the transfer is irrevocable. *James v. Cleghorn*, 54 Ga. 9; *State v. Barney*, 14 R. I. 62. The child will never be restored unless for its own benefit. *People v. Lohman*, 17 Att. Prac. 395. And the state can take the child from the father, if he is an unfit person. *Reynolds v. Howe*, 51 Conn. 472; *Cincinnati House of Refuge v. Ryan*, 37 Ohio St. 197. But the father cannot be deprived of access to his child. *Matter of Jacquest*, 46 N. Y. Misc. 575. And always the welfare of the child is the principal factor in determining its custody. *U. S. v. Green*, 3 Mass. 482; *Kelsey v. Green*, 69 Conn. 291.

PAROL LICENSES—REVOCATION.—YEAGER V. TUNING, 86 N. E. 657 (OHIO).—The plaintiff and the defendant agreed orally to construct a telephone line over and across their respective lands, to enable them to have telephonic communication with each other, and with persons on other lines. The line, as agreed upon, was built, was of a permanent nature, and of the value of $250.00. The defendant three years afterward, cut the wire and rendered the line useless. *Held*, that such an agreement created merely a parol license, revocable at will. Davis, J., *dissenting*.